

**FILED**

**AUG 25 2006**

BEFORE THE DEPARTMENT OF INSURANCE  
STATE OF NEBRASKA

**NEBRASKA DEPARTMENT  
OF INSURANCE**

STATE OF NEBRASKA )  
DEPARTMENT OF INSURANCE, )  
 )  
PETITIONER, )

CONSENT ORDER

VS. )

CAUSE NO. A-1673

AUTOMOBILE PROTECTION )  
CORPORATION – APCO, and )  
JOHN E. LEE, )

RESPONDENTS. )

In order to resolve this matter, the Nebraska Department of Insurance (“Department”), by and through its attorney, Janette L. Adair, Automobile Protection Corporation – APCO (“Respondent APCO”), and John E. Lee (“Respondent Lee”) mutually stipulate and agree as follows:

JURISDICTION

1. The Department has jurisdiction over the subject matter and Respondents pursuant to Neb. Rev. Stat. §§ 44-101.01, and 44-4047 et seq. (Reissue 2004).
2. Respondent APCO was licensed as an insurance agency under the laws of Nebraska at all times material hereto.
3. Respondent Lee was licensed as a nonresident insurance producer under the laws of Nebraska at all times material hereto.

STIPULATIONS OF FACT

1. The Department initiated this administrative proceeding by filing a petition styled State of Nebraska Department of Insurance vs. Automobile Protection Corporation – APCO and John E. Lee, Cause Number A-1673 on July 24, 2006. A copy of the petition

**RECEIVED**

**AUG 24 2006**

NEBRASKA DEPARTMENT  
OF INSURANCE

was served upon the Respondents at the Respondents' address registered with the Department by certified mail, return receipt requested.

2. Respondent APCO violated Neb. Rev. Stat. § 44-4065(1) as a result of the following conduct:

- a. On or about November 2, 2005, Respondents, through an independent insurance licensing company, submitted a Uniform Application for Business Entity Insurance License/Registration to the Department. The application requires disclosure of all administrative proceedings regarding any professional or occupational license involving the business entity or an owner, partner, officer, or director. Respondents disclosed two administrative actions, but failed to disclose Wisconsin administrative action 03-C28549 on the application. The final disposition date on this Wisconsin administrative action was September 17, 2003, and this action was not disclosed to the Department until May 22, 2006.
- b. On or about May 22, 2006, Respondents provided information to the Department regarding California administrative action LLB1541-AP. The final disposition date of this action was February 23, 2006.

3. Respondents were informed of the right to a public hearing. Respondents waive that right, and enter into this Consent Order freely and voluntarily. Respondents understand and acknowledge that by waiving the right to a public hearing, Respondents also waives the right to confrontation of witnesses, production of evidence, and judicial review.

4. Respondent APCO admits the allegations stated in Paragraph 2.

5. Pursuant to negotiations regarding the terms of this consent order, John E. Lee is dismissed from this action.

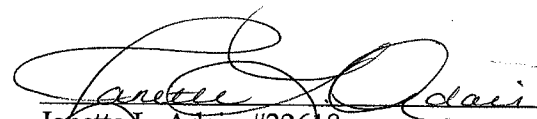
#### CONCLUSIONS OF LAW

Respondent APCO's conduct as alleged above constitutes a violation of Neb. Rev. Stat. § 44-4065(1).


#### CONSENT ORDER

It is therefore ordered by the Director of Insurance and agreed by Respondents, Automobile Protection Corporation – APCO and John E. Lee, that Respondent APCO shall

pay an administrative fine in the amount of one thousand dollars (\$1000.00), due within 30 days after the Director of Insurance or his designee approves and signs this consent order, and that Respondent Lee is hereby dismissed from this action. If Respondent APCO fails to pay the amount required under this consent order, within the time specified, Respondent APCO's Nebraska insurance agency license shall automatically be revoked. In witness of their intention to be bound by this Consent Order, each party has executed this document by subscribing his signature below.

  
Janette L. Adair, #22618  
Attorney for Petitioner  
941 'O' Street, Suite 400  
Lincoln, NE 68508  
(402) 471-2201

8-24-06  
Date

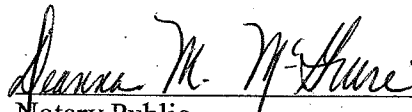
  
Automobile Protection Corporation - APCO,  
Respondent

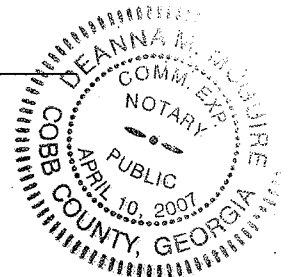
By: Virginia W. Wadsworth, Esq.

8/23/06  
Date

State of Georgia )  
County of Gwinnett ) ss.

On this 23 day of August, 2006, Virginia W. Wadsworth  
personally appeared before me on behalf of Automobile Protection Corporation - APCO  
and read this Consent Order, executed the same and acknowledged the same to be his  
voluntary act and deed.

  
Notary Public



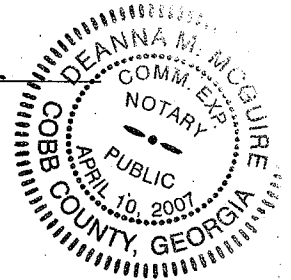
John E. Lee  
Respondent

8/23/06  
Date

State of Georgia )  
County of Gwinnett ) ss.

On this 23 day of August, 2006, John E. Lee personally appeared before me and read this Consent Order, executed the same and acknowledged the same to be his voluntary act and deed.

Deanna M. McGuire  
Notary Public



CERTIFICATE OF ADOPTION

I hereby certify that the foregoing Consent Order is adopted as the Final Order of the Nebraska Department of Insurance in the matter of State of Nebraska Department of Insurance vs. Automobile Protection Corporation – APCO and John E. Lee, Cause No. A-1673.

STATE OF NEBRASKA  
DEPARTMENT OF INSURANCE

L. Tim Wagner  
L. TIM WAGNER  
Director of Insurance

8/25/06  
Date

CERTIFICATE OF SERVICE

I hereby certify that a copy of the executed Consent Order was sent to the Respondents at 6010 Atlantic Boulevard, Norcross, GA 30071, by certified mail, return receipt requested on this 25<sup>th</sup> day of August, 2006.

Gracya A. Lunn